

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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BERNDALE GILLASPIE,

Plaintiff,

Case No. 1:11-CV-854

v.

HON. GORDON J. QUIST

CARRIE RAPP, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on May 31, 2012. The Report and Recommendation was duly served on Plaintiff on June 1, 2012. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C). Therefore the Court will adopt the Report and Recommendation.

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed May 31, 2012, is approved and adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Partial Summary Judgment (docket no. 24), which the Court construes as a motion for default judgment against Defendants Stelma and Kent County Correctional Facility, is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendant Rapp and the eight "unknown" Defendants are **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 4(m) for failure to effect timely service.

Dated: June 20, 2012

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE